



PA Attorney's Docket No. PA-5335-RFB

(IFC)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

the application of: Bates et al.

Serial No: 10/618,977

Filed: July 14, 2003

For: COATED MEDICAL DEVICE

Customer No.: 9896

Group No.: 3738

Examiner: Thomas Sweet

Commissioner for Patents
Alexandria, VA 22313

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT BEFORE MAILING DATE OF EITHER A FINAL ACTION OR NOTICE OF ALLOWANCE (37 CFR 1.97(c))

NOTE: "An information disclosure statement shall be considered by the Office if filed ... before the mailing date of either (1) a final action under § 1.113 or (2) a notice of allowance under § 1.311, whichever occurs first, provided the statement is accompanied by either a certification as specified in paragraph (e) of this section or the fee set forth in § 1.17(p)." 37 CFR 1.97(c).

NOTE: "If a final action or notice of allowance is mailed in an application and later withdrawn, the application will be considered as not having had a final action or notice of allowance mailed for purposes of considering an information disclosure statement." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450

FACSIMILE

transmitted by facsimile to the Patent and Trademark Office


Signature

Pamm Garwood
(Type or print name of person certifying)

Date: February 8, 2007

(Transmittal of Information Disclosure Statement before Mailing Date of Either A Final Action Or Notice of Allowance [6-4] -- Page 1 of 3)

NOTE: "If information submitted during the period set forth in 37 CFR 1.97(c) with a certification is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office. However, the information submitted with a certification can be used in a new ground of rejection and the next Office action made final, [if] the new ground of rejection was necessitated by amendment of the application by applicant. Where the information is submitted during this period with a fee, the examiner may use the information submitted, e.g., printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP 706.07(a). If a new ground of rejection is introduced that is neither necessitated by an amendment to the claims nor based on the information submitted with the fee set forth in 37 CFR 1.17(p), the Office action shall not be made final." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 CFR 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

1. The information disclosure statement transmitted herewith is being filed **after** three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but **before** the mailing date of either:
 - (1) a final action under § 1.113 or
 - (2) a notice of allowance under § 1.311,whichever occurs first.

CERTIFICATION OR FEE

2. Accompanying this transmittal is:
(check either A or B below)
 - A. a certification as specified in 37 CFR 1.97(e)
OR
 - B. the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under § 1.97(c). (\$180.00).

FEE PAYMENT

(Complete this item, if applicable)

3. Applicant elects the option to pay the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under § 1.97(c). (\$180.00)

Fee due \$ 180.00

(Transmittal of Information Disclosure Statement before Mailing Date of
Either A Final Action Or Notice of Allowance [6-4] -- Page 2 of 3)

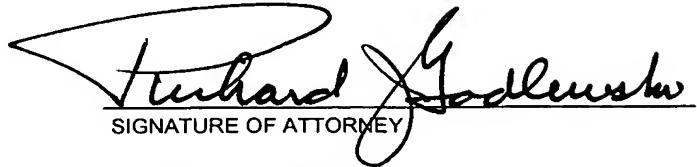
METHOD OF PAYMENT OF FEE

4. [] Attached is check in the amount of \$_____

[X] Charge Account No. 13-2528 in the amount of \$180.00
A duplicate of this request is attached.

If any additional fees are due, please charge Account No. 13-2528.

Date: Feb 7, 2007



SIGNATURE OF ATTORNEY

Reg. No.: 30,056

Richard J. Godlewski
(Type or print name of attorney)

Tel. No.: (812) 330-1824

P.O. Box 2269
(P.O. Address)

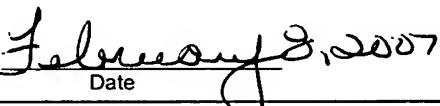
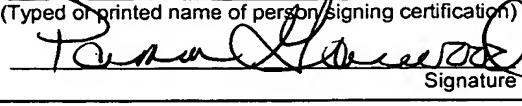
Bloomington, IN 47402

(Transmittal of Information Disclosure Statement before Mailing Date of
Either A Final Action Or Notice of Allowance [6-4] -- Page 3 of 3)



CERTIFICATION OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

 Date FEBRUARY 8, 2007	<u>Pamm Garwood</u> <small>(Typed or printed name of person signing certification)</small>  Signature
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Case No. PA-5335-RFB

In re Application of:
Bates et al.

Serial No: 10/618,977

Filed: July 14, 2003

For: COATED MEDICAL DEVICE

Examiner: Thomas Sweet

Group Art Unit: 1762

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97 - 1.98, and more particularly in accordance with 37 C.F.R. §1.97(d), Applicants are enclosing Form PTO-1449 (2 sheets), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2).

The following references are being submitted in a foreign language without a translation:

Cite No. C20 DE4225553 discloses a balloon catheter with inner and outer balloons for cardiology, allowing application of both dilatation and active agents.

Cite No. C21 DE4446694A1 discloses the use of urea or prostaglandin especially prostacyclin to improve imaging in Xray, ultra sounds, nuclear and MRI diagnoses. The prostaglandin is preferably combined with use of contrast agent.

Cite No. C22 D69403966 discloses compositions comprising an anti-angiogenic factor, and a polymeric carrier. Representative examples of anti-angiogenic factors

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include Anti-Invasive Factor, Retinoic acids and derivatives thereof, and taxol. Also provided are methods for embolizing blood vessels, and eliminating biliary, urethral, esophageal, and tracheal/bronchial obstructions (see WO95/03036A1).

Cite No. C23 DE10244847.7 discloses a drug delivering medicinal device, such as a balloon catheter or stent, having surface coating of lipophilic, water-insoluble drug to be released immediately on contact with tissue in specific diseased region.

Cite No. C33 WO97/26862 relates to additives for concentrated injection and infusion solutions which prevent or reduce acute or delayed oversensitivity reactions and injection and infusion solutions containing said additives.

Applicants respectfully request the Examiner's consideration of the above references and entry thereof into the record of this application.

By submitting this Statement, Applicants are attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability", as that phase is defined in 37 C.F.R. §1.56(a).

Please address all correspondence to:

Richard J. Godlewski
Patent Attorney
P.O. Box 2269
Bloomington, IN 47402-2269
(812) 330-1824

Respectfully,

Date: Feb 7, 2007


Richard J. Godlewski
Attorney for Applicant
Reg. No. 30,056

Please type a plus sign (+) inside this box → +



PTO/SB/08A (08-00)

Approved for use through 10/31/2002, OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Complete if Known	
		Application Number	10/618,977
		Filing Date	July 14, 2003
		First Named Inventor	Brian Bates, et al.
		Group Art Unit	1762
Examiner Name	Thomas Sweet		
Sheet	1	of	2
		Attorney Docket Number	PA-5335-RFB (8627/742)

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
C1	5,051,257			Pietronigro	09/24/1991	
C2	5,320,634			Vigil et al.	06/14/1994	
C3	5,370,614			Amundson et al.	12/06/1994	
C4	5,554,182			Dinh et al.	09/10/1996	
C5	5,571,086			Kaplan et al.	11/05/1996	
C6	5,626,562			Castro	05/06/1997	
C7	5,792,158			Lary	08/11/1998	
C8	6,039,721			Johnson et al.	03/21/2000	
C9	6,146,358			Rowe	11/14/2000	
C10	6,306,151	B1		Lary	10/23/2001	
C11	6,419,692			Yang et al.	07/16/2002	
C12	6,491,938	B2		Kunz et al.	12/10/2002	
C13	6,544,544			Hunter et al.	04/08/2003	
C14	6,599,928	B2		Kunz et al.	07/29/2003	
C15	6,616,650	B1		Rowe	09/09/2003	
C16	2002/0123505	A1		Mollison et al.	09/05/2002	
C17	2003/0100600	A1		Kinsella et al.	05/29/2003	
C18	2005/0250672	A9		Speck et al.	11/10/2005	
C19	2006/0020243	A1		Speck et al.	01/26/2006	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴				
C20	DE	4225553		C1	Michael Rudolf	05/11/1994	

EXAMINER SIGNATURE	DATE CONSIDERED
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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O I P E 44981

Substitute for form 1449A/PTO				Complete if Known	
				Application Number	10/618,977
				Filing Date	July 14, 2003
				First Named Inventor	Brian Bates, et al.
				Group Art Unit	1762
				Examiner Name	Thomas Sweet
(use as many sheets as necessary)				Attorney Docket Number	PA-5335-RFB (8627/742)
Sheet	2	of	2		

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. 1	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴ (if known)				
C21	DE	4446694		Schering AG	12/1994		
C22	DE	69403966		Burt et al.	02/05/1998		
C23	DE	10244847.7			11/11/2002		
C24	EP	0706376		Angiotech Pharm. Inc.	07/19/1993		
C25	EP	0829238	B1	Gray Lary Banning	09/13/2000		
C26	WO	92/11890	A1	Michael Dror	07/23/1992		
C27	WO	92/15282		Keith March	09/17/1992		
C28	WO	94/07484		Shively et al.	04/14/1994		
C29	WO	94/23787	A1	David Rammier	10/27/1994		
C30	WO	95/03795		Government of USA	07/29/1993		
C31	WO	96/20718	A2	Charles Hart	07/11/1996		
C32	WO	96/38183		Ramot Univ. Israel	05/1995		
C33	WO	97/26862		Schering AG	01/1997		
C34	WO	98/24427		Angiotech Pharm. Inc.	12/1996		
C35	WO	98/43618		Neorxcorp.	03/1997		
C36	WO	99/62510		Angiotech Pharm. Inc.	06/1998		
C37	WO	0006152		Novopharm Biotech	07/1998		
C38	WO	00/10552		Global Vascular Concepts	08/1998		
C39	WO	00/44414	A1	You-Ling Fan	08/03/2000		
C40	WO	00/45744		Dachuan Yang	08/10/2000		
C41	WO	02/066092		Levesque et al.	08/29/2002		
C42	WO	03/026718	A1	Anthony Ragheb	04/03/2003		
C43	WO	03/048166		Gaedicke e al.	06/12/2003		
C44	WO	2004/028610	A2	Ulrich Speck et al.	04/08/2004		

EXAMINER SIGNATURE	DATE CONSIDERED
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